

THE UNITED STATES PATENT AND TRADEMARK OFFICE

2007 NOV -2 PM 1 - 3

In re Application of .:

Ronit EISENBERG et al

Serial No.:

10/009,809

Filed:

April 26, 2002

For:

NOVEL ANTI-ALLERGIC AGENTS

g R

Attorney Docket:

Group Art Unit:

30836

1644

Examiner:

Chun Crowder

Mail Stop 16

Commissioner for Patents P.O. Box 1450

Alexandria, VA 22313-1450

7801

REQUEST FOR REFUND UNDER 37 CFR 1.26

Sir:

During the course of prosecuting the above-identified application, Applicant filed a Request for Continued Examination (RCE) on May 1, 2006.

Applicant, through inadvertent mistake, erred in calculating the fees required when filing an RCE, and authorized excess filing fee payments based on the total number of claims then pending in the application, as well as the \$395.00 RCE fee, even though no additional claims were introduced at the time of filing of the RCE's.

The authorized charge was then debited from Applicant's Deposit Account 501407. It is requested that the excess charge, made by mistake, be refunded to Applicants Deposit Account 501407.

The details of the error are as follows:

Applicant authorized (see attachment) the RCE filing charge of \$ 395, as well as \$ 150 for 6 additional claims over 20 even though the above claims had been previously been paid for and no new claims over those that were previously paid for were introduced with the filing of the RCE. These charges were debited on May 2, 2006 from Applicants Deposit Account 501407, and are highlighted in the attached

May 2006 Deposit Account Statement. The charges for the excess claims fees (Fee Code 2202) were not required and paid by mistake.

A refund of \$ 150 is deemed to be in order.

Applicant only became aware of the error in calculating RCE filing charges recently.

Applicant has not previously asked for a refund of these charges made in error.

Applicant has not been refunded the excess charges requested herein.

This request for refund is being made within two years of the charge against the Deposit Account. This request for refund is clearly one that was paid by mistake, and in excess of that required and is contemplated by 37 CFR 1.26.

Favorable consideration of this Refund request is earnestly solicited.

Respectfully submitted,

Martin Moynihan,

Registration No. 40,338

Date: October 30, 2007

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PTO/SB/30 (08-00)
Approved for use through 10/31/2002, OMB 0651-0031
U.S. Petent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required brespond to a collection of information unless it diptays a walk CMB control number.

REQUEST

CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1895.

See The American Inventors Protection Act of 1899 (AIPA).

Application Number	10/009,809
Filing Date	April 26, 2002
Examiner Name	Patrick J. Nolan
First Named Inventor	Ronit EISENBERG
Group Art Unit	1644
Attorney Docket Number	30836

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 18, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114 a. □ Previously submitted 1. □ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on	established RCE practice.								
i. Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on (Any unentered amendment(s) retered to above will be entered). II. Consider the arguments in the Appeal Brief or Reply Brief previously filed on b. Electosed i. Electosed i. Electosed i. Electosed i. Marendment/Reply ii. Affidavit(s)/Declaration(s) iii. Information Disclosure Statement (IDS) iv. Other Three (3) Month Extension Fee v. Other 2. Miscellaneous a. Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of months. (Period of suspension shell not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required by 37 C.F.R. § 1.114 when the RCE is filed. SMALL ENTITY RATE FEE Request for Continued 1. \$395 S790 Examination (RCE) Multiple Dependent Claims 26 - 20 = 6 6 6 x \$25 Independent Claims 26 - 20 = 6 6 6 x \$25 Independent Claims 27 - 20 - 20 - 20 - 20 - 20 - 20 - 20 -			nder 37	C.F.R. § 1	.114				
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United States Patent and Trademark Office





Deposit Account Statement

Requested Statement Month:

May 2006

Deposit Account Number:

501407

Name:

G E EHRLICH (1995) LTD.

Attention:

A J CASTORINA

Address:

City:

2001 JEFFERSON DAVIS HIGHWAY

ARLINGTON

State: Zip:

VA 22202

Country:

UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
05/01	207	60774677	31615 1	8021	\$40.00	\$75,702.55
05/01	208	10570789	31688 ' -	8021	\$40.00	\$75,662.55
05/01	21	60795552	31875 '	2005	\$100.00	\$75,562.55
05/01	489	PCT/IL05/01048	30587	1605	\$600.00	\$74,962.55
05/01	490	PCT/IL05/01046		1705	\$155.00	\$74,807.55
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05/02	103	11130206	29306(31921)	8007	\$20.00	\$74,667.55
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05/02	22	11349977	30971	2051	\$65.00	\$73,907.55
05/02	29	11354931	30794	2051	\$65.00	\$73,842.55
05/02	125	10009809	24025-501NATL	2801	\$395.00	\$73,447.5
05/02	127	10009809	24025-501NATL	2253	\$510.00	\$72,937.55
05/02	126	10009809	24025-501NATL	2202	\$150.00	\$72,787.55
05/02	222	10607103	25821(27460)	1501	\$1,400.00	\$71,387.55
05/02	223	10607103	25821(27460)	1504	\$300.00	\$71,087.5
05/02	665	10545683	30374	2632	- \$250.00	\$71,337.58
05/02	666	10545683	30374	2842	\$200.00	\$71,137.5
05/03	46	60796189	31945	2005	\$100.00	\$71,037.58
05/03	413	10130137	02/23583	2501	\$700.00	\$70,337.5
05/03	415	10921126	28423	1501	\$1,400.00	\$68,937.5
05/03	416	10921126	28423	1504	\$300.00	\$68,637.5
05/03	4	10276080	1567/68482/J	1401	-\$500.00	\$69,137.5
05/03	5	10276080	1567/68482/J	2401	\$250.00	\$68,887.55
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PTC/JSB/30 (08-00)
Approved for use through 10/31/2002, OM8 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE racra are required to respond to a collection of internation unless a deplays a used OM9 control increas.

TRADE REQUEST

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	□ Other
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			SMALL ENTITY RATE FEE		OTHER THAN A SMALL ENT RATE FEE		
Request for Continued Examination (RCE)			1	\$ 395	10112	\$ 790	
Multiple Dependent Claims			0 x \$ 180	\$0	x \$ 360	\$	
Total Claims	26 - 20=	6	6 x \$ 25	\$ 150	x \$ 50	\$	
Independent Claims*	3 - 3=	0	0 x \$ 100	\$0	x \$ 200	S	
•••			TOTAL	<u>\$545</u>	TOTAL	<u>s</u>	

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Account No. 50-1407. In the event of overpayment, please credit Deposit Account No. 50-1407.

Name (Print/Type)

Signature

Martin D. Moynihan

Registration No. (Attorney/Agent

Date

May 1, 2006

Adjustment date: 11/30/2007 SFELEKE1 05/02/2006 SZEWDIE1 00000077 501407 10009809 02 FC:2202 150.00 CR

85/82/2086 SZEWDIE1 88888877 591497

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